

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE ENROLLED ACT No. 263

AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-20-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A township trustee may not extend aid to an individual or a household unless an application and affidavit setting forth the personal condition of the individual or household has been filed with the trustee within one hundred eighty (180) days before the date aid is extended.

(b) An individual filing an application and affidavit on behalf of a household must provide the names of all household members and any information necessary for determining the household's eligibility for poor relief. The application must be on the form prescribed by the state board of accounts.

(c) An applicant for utility assistance under IC 12-20-16-3(a) must comply with IC 12-20-16-3(d).

(d) The township trustee may not extend additional or continuing aid to an individual or a household unless the individual or household files an affidavit with the request for assistance affirming how, if at all, the personal condition of the individual or the household has changed from that set forth in the individual's or household's most recent application.

(e) The township trustee shall assist an applicant for poor relief in completing a poor relief application if the applicant:

(1) has a mental or physical disability, including mental



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retardation, cerebral palsy, blindness, or paralysis;

(2) has dyslexia; or

(3) cannot read or write the English language.

SECTION 2. IC 12-20-6-6.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.6. Notwithstanding any other provision of this article:

(1) a township trustee may not extend aid to or for the benefit of an individual if that aid would pay for goods or services provided to or for the benefit of the individual; **and**

(2) **a township is not obligated to pay the cost of basic necessities incurred on behalf of the household in which the individual resides;**

during a period that the individual has previously applied for and been denied township poor relief.

SECTION 3. IC 12-20-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) In a case of emergency, a trustee shall accept and promptly act upon ~~an~~ **a completed** application from an individual requesting assistance. In a nonemergency request for poor relief assistance, the trustee shall act on the **completed** application not later than seventy-two (72) hours after receiving the application, excluding weekends and legal holidays listed in IC 1-1-9. The trustee's office shall retain a copy of each application and affidavit whether or not relief is granted.

(b) The actions that a trustee may take on ~~an~~ **a completed** application for poor relief, except in a case of emergency, are the following:

(1) Grant assistance.

(2) Deny assistance, including a partial denial of assistance requested.

(3) Leave the decision pending.

(c) A decision pending determination under subsection (b)(3):

(1) may not remain pending for more than seventy-two (72) hours after the expiration of the period described in subsection (a); and

(2) must include a statement listing the specific reasons that assistance is not granted or denied within the period required under subsection (a).

SECTION 4. IC 12-20-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) A township trustee shall promptly notify in writing each applicant for poor relief of action taken upon ~~an~~ **a completed** application for poor relief. The trustee shall do the following:

(1) Mail notice or provide personal notice not later than



seventy-two (72) hours, excluding weekends and legal holidays listed in IC 1-1-9, after the **completed** application is received, advising the applicant of the right to appeal an adverse decision of the trustee to the board of commissioners.

(2) Include in the notice required under subdivision (1) the following:

- (A) The type and amount of assistance granted.
- (B) The type and amount of assistance denied or partially granted.
- (C) Specific reasons for denying all or part of the assistance requested.
- (D) Information advising the applicant of the procedures for appeal to the board of commissioners.

(b) A copy of the notice described in subsection (a) shall be filed with the recipient's application and affidavit in the trustee's office.

(c) An application for poor relief is not considered complete until all adult members of the requesting household have signed:

- (1) the poor relief application; and**
- (2) any other form, instrument, or document:**
 - (A) required by law; or**
 - (B) determined necessary for investigative purposes by the trustee, as contained in the township's poor relief guidelines.**

SECTION 5. IC 12-20-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) Each applicant and each adult member of the applicant's household seeking poor relief must consent to a disclosure and release of information about the applicant and the applicant's household before poor relief may be provided by the township trustee. The consent must be made by signing a form prescribed by the state board of accounts. The form must include the following:

- (1) The applicant's name, case number, and address.
- (2) The types of information being solicited, including the following:
 - (A) Countable income.
 - (B) Countable assets.
 - (C) Wasted resources.
 - (D) Relatives capable of providing assistance.
 - (E) Past or present employment.
 - (F) Pending claims or causes of action.
 - (G) A medical condition if relevant to work or workfare requirements.



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(H) Any other information required by law.

(3) The names of individuals, agencies, and township trustee offices that will receive the information.

(4) The expiration date of the permission to disclose information.

(b) Information that is declared to be confidential by state or federal statute may not be obtained under the consent form prescribed by this section.

(c) The township trustee shall keep on file and shall make available to the division of family and children and office of Medicaid policy and planning upon request a copy of the signed consent form described in subsection (a).

(d) The township trustee shall send to the county office a copy of the signed consent form described in subsection (a).

(e) The division of family and children, county offices, and the office of Medicaid policy and planning shall make available to the township trustee upon request a copy of signed consent to disclosure and release of information forms in each entity's files.

(f) If an individual who is required to sign a form under this section is unable to sign the form in the township trustee's office due to a physical or mental disability or illness, the township trustee shall make alternate arrangements to obtain the individual's signature.

SECTION 6. IC 12-20-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As a condition of continuing eligibility, a township trustee may require a recipient of poor relief or any member of a recipient's household to participate in an appropriate work training program that is offered to the recipient or a member of the recipient's household

~~(+) within the county or an adjoining township in another county under the Job Training Partnership Act established by 29 U.S.C. 1501 et seq.; or~~

~~(2) by a:~~

(1) federal, state, or local governmental entity; or

(2) nonprofit agency.

SECTION 7. IC 12-20-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The township trustee may, in cases of necessity, authorize the payment from township poor relief money for essential utility services, including the following:

(1) Water services.

(2) Gas services.

(3) Electric services.

(4) Fuel oil services for fuel oil used for heating or cooking.



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(5) Coal, wood, or liquid propane used for heating or cooking.

~~(b)~~ **In addition,** The township trustee may authorize the payment of delinquent bills for the services listed in ~~subdivisions (1) through (5)~~ **subsection (a)(1) through (a)(5)** when necessary to prevent the termination of the services or to restore terminated service **if the delinquency has lasted not longer than twenty-four (24) months. The township trustee has no obligation to pay a delinquent bill for the services or materials listed in subsection (a)(1) through (a)(5) if the delinquency has lasted longer than twenty-four (24) months.**

~~(b)~~ **(c)** The township trustee is not required to pay for any utility service:

(1) that is not properly charged to:

- (A) an adult member of a household;
- (B) an emancipated minor who is head of the household; or
- (C) a landlord or former member of the household if the applicant proves that the applicant:

(i) received the services as a tenant residing at the service address at the time the cost was incurred; and

(ii) is responsible for payment of the bill; or

(2) received as a result of a fraudulent act by any adult member of a household requesting poor relief assistance; **or**

(3) that includes the use of township poor relief funds for the payment of:

(A) a security deposit; or

(B) damages caused by a poor relief applicant to utility company property.

~~(c)~~ **(d)** The amount paid by the township trustee, as administrator of poor relief, and the amount charged for water services may not exceed the minimum rate charged for the service as fixed by the Indiana utility regulatory commission.

~~(d)~~ **(e)** This subsection applies only during the part of each year when applications for assistance are accepted by the division under IC 12-14-11. A township trustee may not provide assistance to make any part of a payment for heating fuel or electric services for more than thirty (30) days unless the individual files an application with the township trustee that includes the following:

(1) Evidence of application for assistance for heating fuel or electric services from the division under IC 12-14-11.

(2) The amount of assistance received or the reason for denial of assistance.

The township trustee shall inform an applicant for assistance for heating fuel or electric services that assistance for heating fuel and



electric services may be available from the division under IC 12-14-11 and that the township trustee may not provide assistance to make any part of a payment for those services for more than thirty (30) days unless the individual files an application for assistance for heating fuel or electric services under IC 12-14-11. However, if the applicant household is eligible under criteria established by the division of disability, aging, and rehabilitative services for energy assistance under IC 12-14-11, the trustee may certify the applicant as eligible for that assistance by completing an application form prescribed by the state board of accounts and forwarding the eligibility certificate to the division of disability, aging, and rehabilitative services within the period established for the acceptance of applications. If the trustee follows this certification procedure, no other application is required for assistance under IC 12-14-11.

(~~e~~) (f) If an individual or a member of an individual's household has received assistance under subsection (~~a~~) (b), the individual must, before the individual or the member of the individual's household may receive further assistance under subsection (~~a~~) (b), certify whether the individual's or household's income, resources, or household size has changed since the individual filed the most recent application for poor relief assistance. If the individual or a member of the individual's household certifies that the income, resources, or household size has changed, the township trustee shall review the individual's or household's eligibility and may make any necessary adjustments in the level of assistance provided to the individual or to a member of the individual's household.

SECTION 8. IC 12-20-21-4, AS AMENDED BY P.L.101-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. If the board of commissioners determines from the quarterly reports filed by the township trustee under IC 12-20-21-5 with the county auditor and the levies made by the respective townships for poor relief purposes that there will be insufficient money in the township poor relief fund to provide free and available money during the following year for estimated advancements to townships for poor relief purposes on the basis of the total costs of poor relief granted by the township trustees, as administrators of poor relief, for the previous twelve (12) months:

- (1) the board of commissioners may include estimates for the advancements in the county general fund budget;
- (2) the county fiscal body may appropriate for the advancement in the budget and levy as adopted by the county fiscal body; and
- (3) the state board of tax commissioners shall include that amount



in the final county general fund levy.

SECTION 9. IC 16-41-19-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) **Except as provided in subsection (b)**, all costs that are incurred in furnishing biologicals under this chapter, **IC 12-20-16-2(c)(13)**, or IC 12-20-16-14 shall be paid by:

- (1) the appropriate county, city, or town against which the application form is issued from general funds; and
- (2) the appropriate township against which the application form is issued from funds in the township poor relief fund;

not otherwise appropriated without appropriations.

(b) **A township is not responsible for paying for biologicals as provided in subsection (a)(2) if the township trustee has evidence that the individual has the financial ability to pay for the biologicals.**

(c) **After being presented with a legal claim for insulin being furnished to the same individual a second time, a township trustee may require the individual to complete and file a standard application for poor relief in order to investigate the financial condition of the individual claiming to be indigent. The trustee shall immediately notify the individual's physician that:**

- (1) **the financial ability of the individual claiming to be indigent is in question; and**
- (2) **a standard application for poor relief must be filed with the township.**

The township shall continue to furnish insulin under this section until the township trustee completes an investigation and makes a determination as to the individual's financial ability to pay for insulin.

(d) **For purposes of this section, the township shall consider an adult individual needing insulin as an individual and not as a member of a household requesting poor relief.**

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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